GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

UNSTARRED QUESTION NO:4204
ANSWERED ON:23.04.2008
AMENDMENT IN THE TRANSPLANTATION OF HUMAN ORGANS ACT
Mcleod Smt. Ingrid;Murmu Shri Hemlal;Saradgi Shri Iqbal Ahmed

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Supreme Court/ Delhi High Court has urged the Government to amend the Transplantation of Human Organs Act as it has failed to stop commercialization of human organs particularly, kidney; and

(b) if so, the details thereof alongwith the action taken thereon?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE(DR. ANBUMANI RAMADOSS)

(a) & (b): Yes Sir.The Honorable High Court of Delhi in CWP No.813/2004 vide its order dated 06.09.2004 had set up a Committee to examine the provisions of Transplantation of Human Organs Act, 1994 and the Transplantation of Human Organs Rules, 1995. The report was submitted on 25.05.2005. A National Consultation was held on 18.05.2007 and the report was submitted in the second fortnight of August 2007. The recommended changes required amendments in the Transplantation of Human Organs Act, 1994 and the Rules framed thereunder.These changes are intended to facilitate genuine cases, increase transparency in transplantation procedures and to provide deterrent penalties for violation of the law. In so far as the Act is concerned the following amendments have been proposed:

(i) To allow swap operations between the related donor and recipients who do not match themselves but match with other similar donors/recipients.

(ii) To empower Union Territories, specially Government of NCT of Delhi to have their own appropriate authority instead of DGHS and/or Additional DG(Hospitals).

(iii) To make the punishments under the Act harsh and cognizable for the illegal transplantation activities to deter the offenders from committing this crime.

(iv) To provide for registration of the centres for removal of organs from the cadavers and brain stem dead patients for harvesting of organs instead of registration of centres for transplantations only.

Sale/purchase of human organs is already prohibited under Transplantation of Human Organs Act, 1994.Appropriate authorities established under this Act are responsible and empowered to check the illegal activities of human organs trafficking.